

P.O. Box 7312  
Wilton, Ct 06897  
May 30, 2001

Donna Wieting, Chief  
Marine Mammal Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3226

Re: Docket No. 990927266-0240-02; I.D. 072699A  
Taking Marine Mammals Incidental to Navy Operations of SURTASS LFA, (PAF 01-197)

Dear Ms. Weiting:

I am writing to comment, once again, on the proposed rule granting the US Navy's request under Section 101 (a)(5) once my opposition(A) of the Marine Mammal Protection Act (MMPA) for a small take exemption incidental to the operation of Surveillance Towed Array Sensor System Low Frequency Active Sonar (hereinafter LFAS), and on the Navy's Final Environmental Impact Statement regarding LFAS.

I say once again because I submitted comments in 1999 on the Draft Environmental Impact Statement (DEIS), and I attended and made a statement at the public hearing in Silver Spring on May 3rd. I left deeply disappointed that you, and others who would be deciding on the final ruling, had not been present to hear our comments. Though I understand that there may have been circumstances preventing you from being there, in view of the fact that your office is in Silver Spring while many of us traveled hundreds of miles to attend, your absence could be interpreted as a lack of respect for both the people who voiced their opinions at the hearing, and for the legal and democratic process which it represented.

So, I am grateful for this opportunity to reiterate and expand on my comments from the hearing. I am primarily an educator, and since there has been extensive documentation addressing the many scientific and legal issues surrounding the introduction of LFAS to our oceans, I will confine my comments to the responsibility of the NMFS in making this decision.

I made the request at the May 3rd hearing that the NMFS, rather than acting in concert with the US Navy, return to its role as a regulatory agency. Though your division is charged specifically with the protection of marine mammals, the NMFS is responsible for protecting all endangered marine species, and therefore the entire marine ecosystem. The NMFS is charged with upholding environmental law, notably the NEPA and the MMPA, and also to follow newer protective measures such as the Essential Fish Habitat guidelines in the Magnuson-Stevens Act. In addition, the NOAA is moving toward adopting the Precautionary Principle, which mandates a much more holistic view of resource management that takes into consideration the complexity and interrelatedness of species in an ecosystem, and thus requires more realistic and science-based evaluations. When the Navy or anyone else applies for an exemption to federal

environmental law, the assessment of impact also requires an evaluation based on the scientific facts of life for all the species impacted, which in this case means not only the marine mammals themselves, but their food sources - fish, crustacea, plankton. It is inconceivable that neither the DEIS nor the FEIS address the effects of LFAS on non-mammal species or their habitat in any more than a rudimentary way. To claim that the impact on marine mammals will be negligible without knowing the effects on their food sources is nonsense.

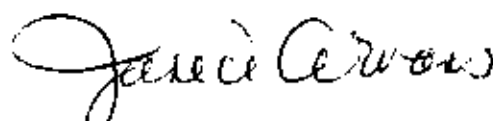
As a former Montessori educator, I taught many lessons to three through nine year old children to enhance their appreciation of the world around them. The Montessori elementary curriculum stresses the interrelatedness of life and the beauty, wonder and intricacy of the natural order. One of the first lessons in the science sequence, given to five and six year olds, teaches the external parts of a fish. After learning the names each child makes a booklet, usually entitled *Parts of the Fish*. One of these parts is called the *lateral line*. We explain that the lateral line is a *sensory organ* located on both sides of a fish's body which enables it to navigate and sense objects and other fish around them, and that all fish have one. This simple lesson has come to my mind many times as I read the information about LFAS and its effects on whales and dolphins. I can't help but speculate what effect it has on fish, so much smaller but no less sensitive to pressure waves in their environment. I can't help wonder how the Navy researchers could possibly have overlooked tens of thousands of species of fish in their supposedly exhaustive study. Later in the Montessori science sequence, the children are introduced to the evolution of life on Earth, which of course began in the ocean. One of my favorite lessons might also be very instructive here, because it illustrates how the adaptation of just one tiny species can be the unseen key to the survival of an entire ecosystem. I refer to an organism named the *Foraminifera*, which flourished very early on in the primordial ocean at a time when the sea was very polluted with excess calcium salts from all the new life forms evolving. They adapted by eating the calcium, and building themselves protection in the form of a shell. These first shelled animals are credited with saving a multitude of other life, and recorded in the many layers of their fossils in ocean beds worldwide.

A full assessment based on the Precautionary Principal would also include the cumulative effects of commercial fishing, communications, shipping and trade industry intrusions in addition to the military considerations. I submit, as I did at the Silver Spring hearing, that one of these activities may tip the scales so far that it will not be possible for the marine ecosystem to recover its balance. If it is possible to destroy the adaptation capacity of the largest animals on Earth, whales, causing them to strand and die, then what of just one tiny unrecognized species in the chain on which perhaps their, and ultimately our, survival depends? LFAS may just be the ratchet that ratchets up the acoustic pollution level over the top of a sustainable ocean environment. The longer range capacity of the low frequency signals coupled with effect of the acoustic wave itself gives LFAS its strategic advantage. Unfortunately it is also the characteristic most potentially damaging to the marine environment, its species and their habitat. The Navy has asserted that there was no low frequency sonar used in the Bahamas stranding of March, 2000 but rather mixed sonars. That there was no LFAS involved is actually more damaging to their cause than helpful. Ken Balcomb in his letter to Joe Johnson dated February, 2001, asserted that none of the research pod of thirty-five photo-identifiable humpback whales have been seen in the area since the

stranding. This is without the introduction of LFAS. The question should be, what if LFAS had been introduced along with the other sonars? How many more species might have been killed?

With these ideas and all the other unanswered questions in mind, I ask that you deny the Navy's application for a small take permit incidental to the use of SURTASS LFAS, that the Navy seriously reconsider deployment of this dangerous sonar, and that Congressional oversight hearings be held to explore existing alternatives.

Respectfully,



Janice A. Evans

cc: President George W. Bush, Jr.  
Senator Daniel Inouye  
Senator Barbara Boxer  
Senator John Kerry  
Senator Edward Kennedy  
Senator Joseph Lieberman  
Mr. Joe Johnson  
Secretary of the Navy Acting, Hon. Robert B. Pirie, Jr.